

**Jay Howser**

**Friends of Mary Landrieu**

**5225 Canal Blvd.**

**New Orleans, LA 70124**

2008 SEP 25 AM 14

2008 SEP 30 PM 12 31

**SENSITIVE**

**September 25, 2008**

**Thomasenia Duncan, Esq  
General Counsel  
Federal Election Commission  
999 E Street, N W.  
Washington, D C. 20463**

**MUR # 6084**

**Re: Complaint against John Kennedy and John Kennedy for U.S. Senate, Inc.**

**Dear Ms Duncan,**

I write this letter to file a complaint pursuant to 2 U.S.C. § 437g(a)(1) against John Kennedy, a candidate for the United States Senate from the state of Louisiana, and his campaign committee, John Kennedy for U.S. Senate, Inc ("Respondents")

Respondents have plainly violated the Commission's disclaimer requirements for television communications. In an advertisement that is airing on multiple stations in Louisiana, Kennedy failed to include a written statement at the end saying that he approved the advertisement. By refusing to follow the law, he has ignored Congress's mandate that he stand fully by the assertions made in the advertisement, even while seeking office in that same Congress. Because paying for a television communication that does not include the required written statement represents a clear violation of federal law, the Commission should act immediately to investigate this matter and impose penalties against him and his campaign.

### **THE FACTS**

Senate candidate John Kennedy's campaign committee has paid for a television advertisement that is airing on multiple stations in Louisiana. The advertisement is available here <http://www.fec.gov/disclosure/100>

Although a written disclaimer appears on screen at the beginning of the advertisement, there is no written statement at the end of the advertisement.

29044251972

### ARGUMENT

When a candidate authorizes a television advertisement, he must include a written statement at the end of the advertisement indicating that he approved the communication. See 2 U.S.C. § 441d(d)(1)(B)(ii), 11 C.F.R. § 110.11(c)(3)(iii). The statement must appear in letters equal to or greater than four percent of the vertical picture height and must be visible for a period of at least four seconds. See 11 C.F.R. § 110.11(c)(3)(iii). This requirement is in addition to the requirement that the communication include an audio statement that identifies the candidate and states that he approved the communication, to ensure that voters who might not hear the audio of the ad can still discern that the candidate approved it. See *id.* § 110.11(c)(3)(i), (ii).

The purpose of the Commission's requirement is to require candidates to demonstrate their full support for the statements made in the preceding advertisement. Kennedy failed to meet this requirement because his advertisement does not contain a written statement during the last four seconds of the advertisement. Rather than obey the law and take full responsibility for his ads, Kennedy chose instead to follow his own, invented rules, and dodge a statutory mandate to be accountable for claims made in his advertisement. The result is a clear, black-and-white violation of federal law.

For these reasons, the Commission should immediately find reason to believe that Kennedy and the Committee violated the law, and seek civil penalties commensurate with the amounts spent on the advertising.

Sincerely,



SUBSCRIBED AND SWORN to before me this 29 day of September 2008

Arnon M. Vixage  
Arnon M. Vixage Notary Public  
#64900

My Commission Expires:

At Death